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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/658,566	09/08/2003	Michael Gauselmann	ATR-A-125	3422

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EXAMINER

HARPER, TRAMAR YONG

ART UNIT	PAPER NUMBER
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3714

DATE MAILED: 08/24/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/658,566

Applicant(s)

GAUSELMANN, MICHAEL

Examiner

Tramar Harper

Art Unit

3714

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 September 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-27 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 2/28/05.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-11, 14-17, & 22-26 are rejected under 35 U.S.C. 102(b) as being anticipated by Bennett (WO 01/58546).

Claims 1, & 22: Bennett discloses a gambling game that comprises of:

displaying an array of symbols in a base game having at least one row and a plurality of columns (Figs. 1, 3a);

a processor that controls the program that implements the game, the user interface, and video display unit (Pg. 3:19-17; Pg. 4:3-5).

upon a triggering event or predetermined conditions a bonus feature is enabled (Pg. 3:27-28);

displaying values in at least some of the symbol positions (Figs. 3a-3c); and

randomly selecting a bonus symbol and upon player selection of the bonus symbol awarding a prize based on the selected bonus symbol (Pg. 4:16-18, 22-29);

Claims 2, & 23: Bennett discloses the randomly selected value as a credit value (Pg. 4:22-29; Figs. 3a-3c).

Claims 3-4, 24-25, & 10: Bennett discloses the triggering event may be the occurrence of three predetermined special symbols or combinations (Pg. 2:6-12, Pg. 3:27-28).

Claim 5: Bennett discloses that the randomly selected special bonus symbols/values are at an intersection of a row and column of symbol positions (Pg. 4:22-29; Figs. 3a-3c).

Claims 6-7, 14-17, & 26: Bennett discloses a randomly selectable multiplier (Pg. 5:13-15). The multipliers are hidden behind selectable bonus icons that are in a center portion of the symbol positions (Figs. 4b-4e).

Claim 8: Bennett discloses that the special symbols are player selectable (Pg. 4:22-29).

Claim 9: The identifiable special symbols are located/moved to a symbol position indicated displaying a value as selected (Figs. 3a-3c).

Claim 11: Bennett discloses a touch screen interface for player selection (Pg. 4:22-29).

Claims 1, & 18-20 are rejected under 35 U.S.C. 102(e) as being anticipated by Locke (2003/0022712).

Claim 1: Locke discloses a gaming apparatus that comprises of:

displaying a array of symbols (Figs. 1, 3);

upon a triggering event enables a bonus feature (Abstract);

displaying values in at least some of the symbol positions (¶ 4; Fig. 4); and

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randomly selecting at least one of the values and awarding a player a bonus based on the selected award (as the roaming symbol/arrow moves to respective symbols the player is granted an award based on each symbol) (§ 4, 20).

Claims 18-20: As the roaming feature is enable an arrow moves through random symbols and awards the player a bonus value based on the location of the arrow. The arrow moves from column to column or row to row and converts the symbol it is currently position at into an arrow. Some of the said values are multiplies (Figs. 4-9).

Claims 21 and 27 are rejected under 35 U.S.C. 102(e) as being anticipated by Gerrard (US 2004/0048644).

Claims 21 & 27: Gerrard discloses a gaming machine that comprises of:

receiving at bet from a player (§ 47);

a display screen (Figs. 1a, 5);

a processor for controlling game play and images on the display screen (§ 51-52); and

enabling a bonus shell game that comprises of displaying shells that are initially open to show which shell/icon contains the findable object and then the shells close and move to different locations on the display screen without revealing the object. The player then must select which shell contains the object via touch screen. If the player is correct the player is granted an award (§ 117-118, 120; Fig. 5).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

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invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 12-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bennett (WO 01/58546) in view of Bennett (6,251,013).

Claims 12-13: Bennett (WO 01/58546) teaches all the above limitations of Claim 1, but excludes the teaching of re-spinning a column containing special bonus symbols. Bennett (6,251,013) discloses randomly selecting special bonus symbols, and re-spinning the associated column to get a different award outcome (Col. 2:27-32; Col. 5:34-44). Bennett (WO 01/58546) teaches that regular players tend to get tired of particular games and it is necessary for game manufacturers to develop innovative game features that add interest to games. Devising such popular games would improve sales, retain customers, and attract new customers (Pg. 1:6-19). Thus, it would have been obvious to one of ordinary skill at the time of the invention to modify the game apparatus of Bennett (WO 01/58546) such that upon random selection of the special bonus symbols the associated column is re-spun, as taught by Bennett (6,251,013), creating new and random outcome.

Conclusion

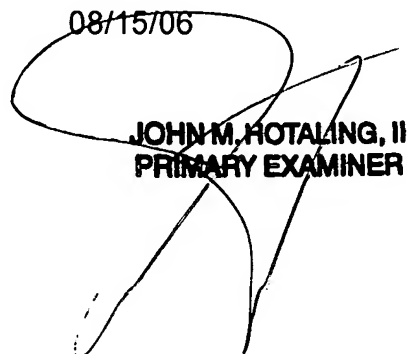
The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Bennett (US 2003/0013517) discloses a similarly structured gaming apparatus with superimposed bonus symbols. Yu (US 2003/0087686) and Berman (2005/0119040) teach a gaming apparatus involving shell games. Glavich (6,572,472) and Hughs-Baird (6,439,995) both teach bonus gaming with directional paths.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tramar Harper whose telephone number is (571) 272-6177. The examiner can normally be reached on 7:30am - 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Olszewski can be reached on (571) 272-6788. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

TH

08/15/06

JOHN M. HOTELLING, II
PRIMARY EXAMINER